

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ERIC TROTTER)
)
 Plaintiff,)
)
 vs.) CAUSE NO.
)
HARLEYSVILLE INSURANCE COMPANY)
)
 Defendant.)

**NOTICE OF REMOVAL TO FEDERAL COURT BASED
ON DIVERSITY JURISDICTION**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, Harleysville Insurance Company (“Harleysville”), by and through its attorneys, SMITHAMUNDSEN LLC, hereby submits this Notice of Removal to the United States District Court for the Northern District of Illinois, Western Division, of the above-styled action, pending in the Circuit Court of Winnebago County, Illinois, as Case No. 14 L 299. In support of this petition and as grounds for removal, Harleysville states as follows:

1. On October 3, 2014, Plaintiff Eric Trotter filed a Complaint for Declaratory Judgment styled *Erie Trotter v. Harleysville Insurance Company*, Civil Action No. 14 L 299, in the Winnebago County Circuit Court. Trotter’s Complaint seeks a judicial declaration that Harleysville Policy No. PAAB24953, issued to Eric Trotter, provides \$500,000 in underinsured motorist coverage to Trotter, subject to a \$250,000 set-off; and seeks a judgment for \$250,000 along with attorney’s fees and costs pursuant to Section 155 of the Illinois Insurance Code, 215 ILCS 5/155.(Complaint, p.1-2).

2. A copy of Plaintiff's Complaint and Summons were served on Defendant Harleysville, on November 17, 2014. Copies of all process and pleadings are attached hereto as Exhibit A. *See* 28 U.S.C. §1446(a).

3. This Notice of Removal is being filed within thirty (30) days after receipt by Defendants of a copy of the Complaint and is, therefore, timely filed under 28 U.S.C. §1446(b). No further state court proceedings in this litigation have taken place as of the date of this Notice of Removal.

4. The amount in controversy in this case exceeds \$75,000.00 jurisdictional requirement. Plaintiff seeks a \$250,000.00 judgment as well as statutory damages under Section 155 of the Illinois Insurance Code, (Complaint, p. 3) creating a dispute in excess of \$75,000.00.

5. As alleged in the Complaint, Plaintiff Eric Trotter is a citizen of the State of Illinois. (Complaint, ¶ 1).

6. Defendant, Harleysville, is an insurance company which has at all times herein mentioned been incorporated under the laws of Pennsylvania, having its principle place of business in the State of Pennsylvania, and therefore, for diversity purposes, is a citizen of the State of Pennsylvania.

7. Plaintiff's action may be removed to this Court pursuant to 28 U.S.C §1441 because, as set forth above, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332 and this Court is the district and division embracing the place where the action is pending. *See* 28 U.S.C §1441(a).

8. A Copy of this Notice of Removal has been sent to Plaintiff and is being filed in the Circuit Court of Winnebago County, Illinois to effect removal of the action to the United States District Court, pursuant to 28 U.S.C §1446(d).

WHEREFORE, Defendant, Harleysville Insurance Company, gives notice that the above entitled action be removed and transferred from the Circuit Court of Winnebago County, Illinois to the United States District Court for the Northern District of Illinois, Western Division.

Respectfully Submitted,

By: /s/ Sulema Medrano
Counsel for Defendant,
Harleysville Insurance Co.

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